

TO HIS HONOR LIONEL HERBERT CLARKE, Lieutenant-Governor
of the Province of Ontario, in Council.

SIR:

Under and by virtue of a Royal Commission delivered to me and bearing date the Seventeenth day of December, 1920, and issued under the "Act respecting Inquiries concerning Public Matters" Chapter 18, R.S.O. 1914, I was appointed to inquire into the truth or falsity of the charges made against David Hastings, Esquire, Police Magistrate of Dunnville which are as follows:

1. The administration of justice in the Police Court at Dunnville has ceased to command public respect, and for this condition of things the Magistrate, Mr. Hastings, is largely responsible.

2. Mr. Hastings is influenced in his administration of the law largely by Mr. F. R. Lalor, M.P., President of The Monarch Knitting Company, Limited, and a group of other men who are associated with him in the control and domination of the affairs of the community.

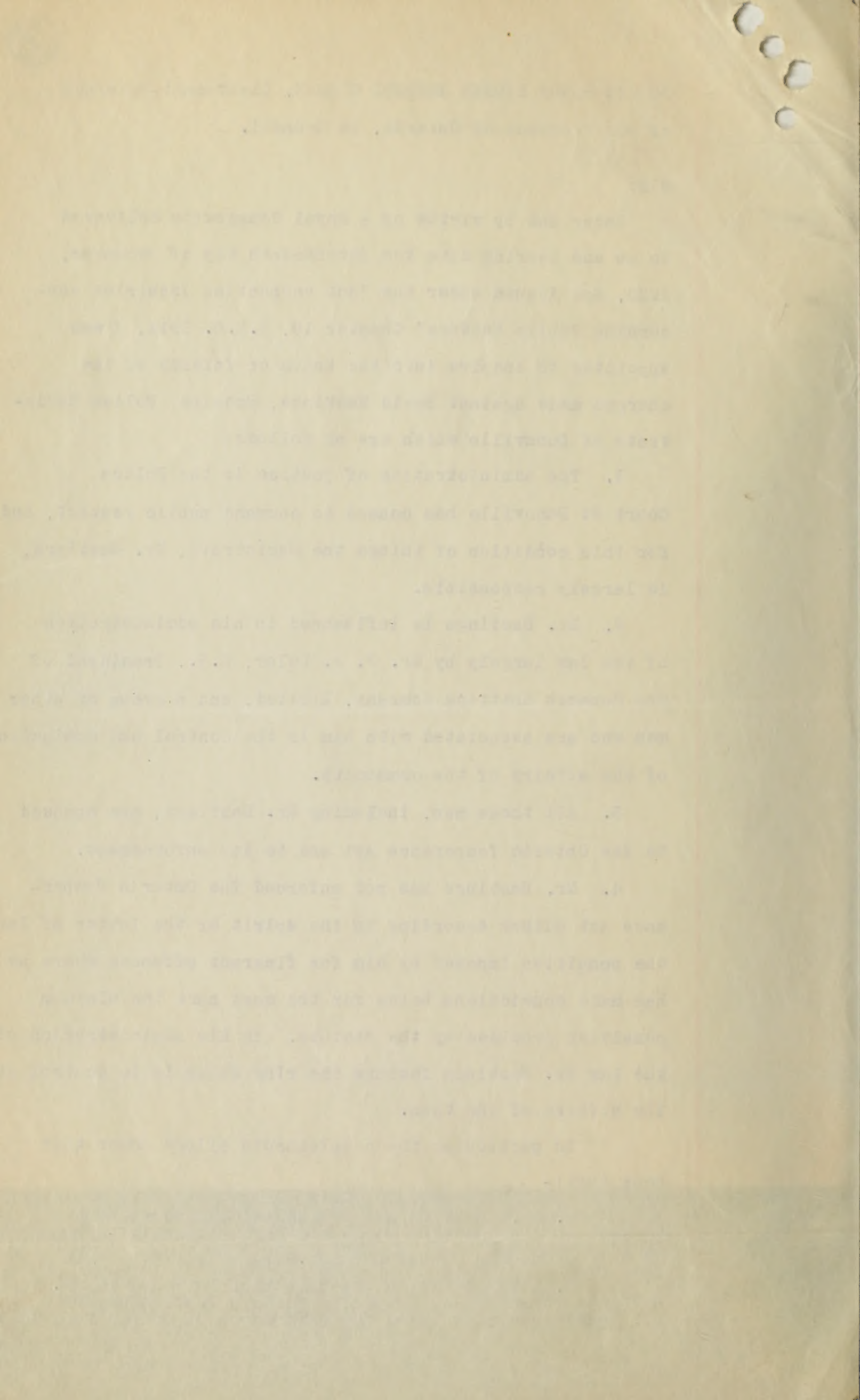
3. All these men, including Mr. Hastings, are opposed to The Ontario Temperance Act and to its enforcement.

4. Mr. Hastings has not enforced The Ontario Temperance Act either according to the spirit or the letter of law, the penalties imposed by him for flagrant offences where he has made convictions being for the most part the minimum penalties provided by the Statute. In his administration of the law Mr. Hastings favours the ring which is in control of the affairs of the town.

In particular the complainants allege under this head that:-

1. Mr. Hastings has stated in open court that he does not intend to enforce some of the penalties prescribed by The Ontario Temperance Act.

2. After informations have been laid before Mr. Hastings for offences under The Ontario Temperance Act Mr. Hastings has notified the defendants or caused them to be



notified before they could be apprehended, and in this regard has interfered with the due processes of the law.

3. Mr. Hastings has illegally imposed penalties on defendants in cases for flagrant offences against The Ontario Temperance Act lower than those prescribed by the Act.

4. Mr. Hastings has illegally admitted to bail defendants who have been convicted by him and sentenced to the minimum term of imprisonment under The Ontario Temperance Act.

5. When men have been arrested for offences and placed in gaol, Mr. Hastings has used his authority as Magistrate to release them without bail and before their appearance in court. He has also irregularly granted bail to defendants before their arrest.

6. Mr. Hastings has refused to take information in cases of serious infractions of the law.

7. Mr. Hastings has arranged cases out of court and privately.

8. Mr. Hastings is an active politician, and the editor and publisher of a partisan newspaper. He is largely dependent upon Mr. Lalor, from whose company, The Monarch Knitting Company, Limited, he derives a great part of his business as a job printer.

AND TO MAKE a report or reports thereon with such recommendations as I may think desirable.

I accordingly accepted the duties and responsibility of such Commission and at the request of Counsel for the Attorney General who was moved thereto by certain complainants of the Town of Dunnville against the administration of the said David Hastings as Police Magistrate, and at the request of Counsel for the said David Hastings, I duly issued subpoenas calling upon various witnesses to attend before me and give their evidence upon oath as I was so empowered by the terms of the said Commission.

I accordingly opened the said Commission and proceeded with the investigation required upon the First day of March in the Court House at the Town of Cayuga in the County of Haldimand, at the hour of ten o'clock in the forenoon



and continued in session for the said purpose upon the 1st, 2nd, 3rd, 4th, 8th, 9th, 10th, 11th, 15th and 16th days of March, 1921. There were forty-four witnesses in all examined before me during that period.

Upon the opening of the Commission I pointed out that the object of the Commission was to ascertain the facts upon which the many complaints made to the Honorable, The Attorney General were based and the inquiry was in no sense to be regarded as an actively hostile prosecution of the Magistrate in question. Mr. R. U. McPherson, Counsel for the Crown as representing the complainants, took the same position.

These charges against the administration of Mr. Hastings were based upon many verbal and written complaints made to the Honorable, The Attorney General. These to some extent, I was informed, were presented to him by persons who marked their letters "private" and "confidential" and also "anonymous" and the writers were evidently desirous of being kept in the background. They were anxious to be among the class of those "who did good by stealth and blushed to find it fame", or otherwise as the case might be. They refused to come into the light but fired their shot and desired to silently fade away. It was evident to me that many of the good citizens of Dunnville living in the same town with Mr. Hastings and Mr. Lalor, hereinbefore referred to preferred not to say more than was necessary and often not to say what would have been necessary and what they would have freely said if the issue had been a law suit between two hostile parties. This hesitating and vigilant carefulness gave me the impression that although I was getting the truth and nothing but the truth, I did not always get the whole truth, which, indeed, was credible to their careful kindness. There were, however, some distinguished exceptions to this manner of giving evidence, and notable, the Reverend Thomas Green, the Methodist

Minister of Dunnville. He had written a letter to the Attorney General on the 16th of November, 1920, making strong complaints of the Dunnville situation as to the administration of Mr. Hastings as a Magistrate. This was marked "Confidential", but he is one of these men who are resolute in the cause of truth and are fearless. He, therefore, removed the confidential character of his letter and was not afraid to say his say although it would not add to his popularity in many quarters.

I desire, also, to commend the attitude of Mr. J. C. Payne, Barrister, who spoke out clearly and called a spade a "spade" and not "an oblong instrument of manual husbandry."

These two I specially mention but others also felt their responsibility and responded definitely and clearly to the examining counsel.

The Crown Counsel presented his case entirely upon the evidence of the witnesses produced and upon such documents as were in no sense confidential and were produced as exhibits.

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The genesis of this investigation was shortly as follows: Two circular letters were produced which had been sent by the Attorney General to magistrates in general including Mr. Hastings, dated the 30th of June, 1920 and the 28th of July 1920 ~~(amendment)~~, calling upon all magistrates to administer the Ontario Temperance Act fully and effectually, and not to regard the enforcement of law as simply a requirement of revenue but as a deterrent and preventive, and also informing them of the amendment of the Ontario Temperance Act, which came into force on the 4th of June, 1920, whereby imprisonment could be inflicted for even a first offence. To these circular letters Mr. Hastings, the Magistrate in question, sent a reply dated the Fourth of August, 1920, in which he admitted the Act was violated more or less but placing the responsibility of that upon the facility with which liquor could be obtained and also

stating that in the country towns there was no machinery for running down criminals and also suggesting that county constables should be paid otherwise than by fees, and that the system of the prosecution of criminals be reformed.

A series of complaints, verbal and written, as to the administration of the law, particularly the Ontario Temperance Act, continued to come before the Attorney General from Dunnville, and thereupon was despatched an officer of the Department, to Dunnville, to make proper inquiries upon the ground and to ascertain the facts.

In order to bring the whole matter to a definite issue, upon the 22nd of November, 1920, the Honorable, The Attorney General wrote the following letter addressed to Mr. Hastings:

"Toronto, November 22nd, 1920.

"Dear Sir:

Conditions with regard to law enforcement in Dunnville are so unsatisfactory that the Government feels compelled to ask another magistrate to take on the work in the territory covered by your commission. Pending investigation and further action the suspension will go into effect tomorrow. If you prefer to announce your resignation please wire me promptly on receipt of this letter. If on the other hand you desire to make representations I shall be glad to see you in the near future."

Yours sincerely,

"W. E. Raney"

"David Hastings, Esq.,

Police Magistrate,

Dunnville, Ont."

The Attorney General regarded this letter as a private letter coming from the highest official in the Law Department of the Provincial Government, to Mr. Hastings, a subordinate officer. Taking a different view, Mr. Hastings declined to come to Toronto and interview the Attorney General, but pub-

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lished the letter. This letter was followed by an Order-in-Council of the 24th of November, 1920, suspending Mr. Hastings. Mr. Hastings meanwhile upon the 23rd day of November 1920 wrote a letter to the Attorney General in which he declined to resign as he thought that such would be an admission that his suspension or dismissal would be justified. Mr. Hastings also invited an investigation.

This was followed by a petition to re-instate Mr. Hastings, or investigate the charges that were made against him. This petition was dated the 25th of November, 1920, and was signed by 291/^{persons}~~xxxxxxxxxxxxxxxxxxxx~~ of whom 79 were employees of the Monarch Knitting Company, 44 were farmers and 168 sundry townspeople. Mr. F. Lalor, M.P. is President of this Company and an ardent supporter of Mr. Hastings and mentioned in the charges against him above set out. This petition was presented to the Attorney General in his office at Toronto and on that occasion the charges against Mr. Hastings, above set out, were presented. The investigation desired by these petitioners was promised by the Attorney General.

Now, with regard to the truth or falsity of the charges set forth above I state the following circumstances which were proved to me by good and sufficient evidence. The first charge, which is as follows:

"The administration of justice in the Police Court at Dunnville has ceased to command public respect and for this condition of things the Magistrate, Mr. Hastings, is largely responsible."

really sums up all the remainder. It is very essential to carefully consider this charge.

But first I desire to report that I found from the testimony of all the witnesses and by general repute that David Hastings, whose efficiency as a Magistrate is called into question, stands high in the community as an upright and honorable man, a leader in the Methodist Church and one whose integrity is unimpeachable. If this was all I had to determine, it would be easily, speedily and gladly done, but it is my duty here to inquire into his fitness and

efficiency as a Magistrate as testified by his dealings with the cases which came before him as a Magistrate, and also by his general attitude as a Magistrate. It goes without saying that a man may be conspicuously honest but yet may be an inefficient doctor; he may be of the purest integrity but yet may be a failure as a business man; he may stand on a lofty, moral plane but yet from no wrong motive he may be unable to discharge his duties as a dispenser of justice.

It is not necessary to analyse all the evidence as to all the cases which came before Mr. Hastings. I must limit myself to apply the test of his efficiency to a few of these cases by way of example and "thus point the moral".

1. The Egan Case. This is a case where Joseph Egan had been found guilty and fined \$300.00 for an offence against the Ontario Temperance Act. On the 5th of October, 1920 Egan was charged on a second offence under Section 40 of the Ontario Temperance Act and was tried the 19th of October, 1920 before Hastings. The evidence showed that on the 28th of September his premises were searched and there was found a barrel of whiskey, $\frac{3}{4}$ of a barrel of beer, 146 bottles of whiskey, 5 bottles of gin, 3 cases of Corby's Majestic, an empty demijohn, 10 gallons, one empty barrel of beer bottles, and one case of empty beer bottles. Another search was made one week after on the 5th of October of the same premises but all that was found was 3 bottles of whiskey and 4 bottles of gin. It was proved by four witnesses that Egan had admitted the liquor was his. At the trial Egan denied this and said the liquor had been taken away by a person whose name he refused to tell. Hastings said that Egan had made himself liable for six months' imprisonment and that he, Egan, knew who owned the liquor. Egan is of the criminal class, having been guilty of a first offence. Four respectable men swore against him. He refused to tell who took it away and

section 88 of the O. T. A. was not pressed. Ryan was discharged. This result did create want of confidence in Eastings' administration.

I do not presume to act as a Court of Appeal and I quite understand that an Appellate Court declines to disturb a Magistrate's judgment on a question of fact but, sitting as a Commissioner, I can quite understand how such a disposition of this case would create want of confidence in the Magistrate, and I venture to say that in my own opinion it also creates want of confidence.

2. Re Phillips Case. The circumstances were these: They appear in a letter written by W. F. Pullen, a Police Constable, which is as follows:

"Dunnville, Oct. 18th, 1920.
"To The Chairman and Members of the Police Committee,
Municipal Council, Dunnville.
"Gentlemen:-

I beg leave to submit the following for your consideration: On Sunday night, the 17th, inst, I arrested a man on the main street of the Town for being drunk and disorderly and locked him up. Immediately, some of his friends appeared and asked for his release, which I refused. After a tour of the Town, I returned in about an hour to find the same party present at the Jail with the Police Magistrate's son, who directed me to allow the prisoner to be taken away by his friends under order of his father, the Magistrate. I complied with the Magistrates order and liberated the prisoner who was helped into a car and taken away.

May I ask:

Is such a proceeding according to Statute?
May I expect similar treatment of drunks whom I deem deserving of arrest in the future?"

"W. F. Pullen".
P.C."

The Court sat next day the 18th October at 2 o'clock in the afternoon. Pullen gave evidence that when Phillips was taken away he was still drunk. He was charged as drunk and disorderly. The charge of drunkenness was withdrawn and he was fined \$1.00 and costs. I can quite understand that this also created want of confidence.

3. Re Moulton Farmers Cases. These were eight farmers who received liquor for some unknown person or persons and delivered it, who were charged under Section 40 of the O. T. A. They

pleaded guilty and on the 26th of October, 1920, they were each fined \$200 and costs under Section 58. This matter attracted criticism and dissatisfaction. It may be said that these men were mere tools and go-betweens but they were conspirators with the man or men "higher up", or perhaps in the proper sense "lower down", whose identity was not discovered, and so far as it appeared no special effort was made to discover these chief manipulators of the law-breaking machinery. These farmers were no doubt selected by these contrivers of iniquity as they were presumably honest, upright, law-observing men, as the farmers of this country are. But these men were the exception and "the exception proves the rule" because if there was no exception, there would be no rule. They would not be suspected from the class they belonged to as being hand-in-glove with any organized band of criminals who have attempted to make the O.T.A. unpopular and make large profits by selling liquor contrary to the law which the people of Ontario passed by such large majorities. The first farmer we ever read of, who cultivated the Garden of Eden, being tempted, shamefully fell. These eight men followed in that inglorious succession. They were as much to blame as the chief manipulators. No doubt they were well paid to play their part of the iniquity. They thus made it possible for the plan to be worked out and quite probably their fines were paid by their employers. However, notwithstanding these extremely evident considerations and notwithstanding the notices and warnings of the Attorney General in his letters of the 30th of June and 28th of July, these conspirators were penalized by the lowest possible fine.


✓ In his letter to the Attorney General on the 4th of August, above quoted, the Magistrate complains there was "no machinery for running down criminals". Here, however, was a case where the criminals were run down and they suffer only the minimum fine notwithstanding the clearly expressed

letter of the Attorney General. I quite understand that the Attorney General is not the Judge. The Magistrate is the Judge. The amount of the fine is left to the discretion of the Magistrate and there can be no appeal against that to an Appellate Court, but I am not sitting as an Appellate Court. I am seeking to determine whether the Magistrate was efficient or not efficient in measuring out justice and whether he was exercising such a discretion that would entitle him to be continued as a Magistrate.

Some evidence was offered comparing the fine inflicted by Mr. Hastings in O. T. A. cases with fines inflicted by other magistrates but I rejected that evidence as inapplicable and inconclusive.

4. Re Killins. A witness named Freeman Green was examined who unblushingly admitted that he was in the habit of receiving money for his vote, from \$10.00 to \$2.00. He swore he had received from "Dick Killins" \$2.00 for his vote for the town election in 1920, and another \$2.00 for a friend and also stated he had received money for every municipal election for ten years from Killins and voted for the anti-prohibitionists, known as the "Antis". He described Killins as a "bad boodler" and he added that Killins lives opposite Lalor and they were often together.

Another witness, S. S. Moote, described Killins as an ardent supporter of Lalor, and that he did his bidding and was described by many people as "Lalor's puppy". Mr. German, solicitor of Welland, speaks of Killins attempt-



ing to interfere in an O.T.A. case against one Robins, and he stated that Killins said something to him about speaking to Hastings. Mr. Germain described him as a "political roustabout" and shut him off. It is fair to add that Mr. Germain stated that he had the greatest confidence in Hastings.

These references to Killins based upon the evidence are prefatory to the following circumstances: A witness named M.C. Kaufman gave evidence. This gentleman is a printer in Hastings' employment. He stated as follows: "Have seen Killins looking at Hastings' papers. Killins sat at the desk and wrote. I have seen him six times there. They were both bowlers. I have seen Killins open the drawer and look at papers about three times. Hastings was not present. At other times Hastings and Killins were together." They were conversing and Kaufman said that the conversation was not intended for him to hear and they whispered together. He also said that he had seen the law officers, Adie and Sylvester, come in and see Hastings two or three times a day sometimes and that Killins and Hastings, after the inspectors had gone, had whispered conversations. He also said he did not think it possible that Lalor could influence Hastings. If anyone suggested influence, he would say they "exceeded their rights," but that in temperance circles there was dissatisfaction with Hastings' administration.

It is difficult to understand how a man of the Killins type should be in any sense familiar with Hastings. Kaufman's evidence was given very carefully and vigilantly but unhesitatingly, and therefore all the more valuable. Hastings must have known, or at least ought to have known, Killins and his character and yet this testimony of Kaufman's was unshaken. Hastings testified that he and Killins were lawn bowlers and that Killins gave him information for his paper, and that he discussed O.T.A. cases with Killins, preachers

and others. Hastings' explanation as to the visits of Killins was as to an O.T.A. case against Shier and that Killins came and asked him, as representing Shier, what the officers had found. Hastings also added that he was surprised at the evidence of Kaufman, his employee, but did not deny it. He added that Killins never sought to influence him. I expected that Hastings would have called Killins as a witness to explain these suspicious circumstances, but Killins was never produced, although, at the end of the investigation, I asked publicly if there was anyone who could throw any light upon the situation to come forward and testify, but no one came forward. I do not find any evidence of collusion or understanding between Hastings and Killins as to the cases that came before Hastings, but I think it is unfortunate that such a relationship should exist.

In the face of all this testimony I find that Mr. Lalor in his evidence stated that he thought highly of Killins. That is to me a psychological puzzle. These circumstances which must at least have been partially known to very many people would create a want of confidence in Hastings' administration of justice.

5. Re Robins. This case is reported in 19 O.W.N., page 418. A motion was made before the Honourable Mr. Justice Hodgins by way of appeal against a conviction as for a second offence against the O. T. A., and to support this conviction the solicitor who acted for the Crown produced an affidavit made by Mr. Hastings, and the following observations were made by the Appellate Judge:

"I think I should draw attention to what I hope is an unusual practice, namely, the procuring, by the solicitor for the accused, from the Magistrate of an affidavit in support of the application to quash the conviction. In that affidavit doubt is thrown upon the conviction and upon the Magistrate's right to decide as he did. It is improper to ask any Magistrate to take such a position. If the offence was not proved, the accused should have been discharged, but if a conviction is recorded the administration of justice will not be advanced by the course taken here."

This indicates a certain want of the proper conception of his duty by the Magistrate, for which, however, it is fair to add that the solicitor must accept some responsibility.

One of the charges is that Hastings was influenced in his administration of the law by F.R. Lalor, M.P., President of the Monarch Knitting Company, and a group of other men associated with him in the control and domination of the affairs of the community. I do not think he was improperly influenced by Mr. Lalor, but I think he would be ready to take advice from Mr. Lalor. Evidence was adduced before me to show that Mr. Lalor gave Mr. Hastings a large amount of printing. The amounts paid by Lalor to Hastings for the years 1919 and 1920 were produced before me and it appeared that more than one-half of all the job printing of the Hastings Printing Office came from Mr. Lalor. Under these conditions it may be quite possible that Mr. Hastings was unconsciously influenced, for "every human heart is human."

6. Re Freeman Green. This was a case where one Freeman Green was assaulted by his brother L. Green and one Glenny. He was unconscious for nine or ten hours and reported as dead, lying in a ditch, and was laid up in the hospital for five weeks. For this Hastings fined L. Green \$25.00. As an aftermath of this a charge of perjury was laid against Freeman Green, and it came before His Honour the County Judge of Haldimand and was dismissed. In this Court Reporter case the Judge delivered a judgment reported by the / and he therein stated as follows:

"Undoubtedly Freeman Green was brutally assaulted, and the statements in Police Court of self-defence are simply absurd. I am not quarreling with the Magistrate in dismissing Glenny. The prisoner was entitled to the benefit of the doubt; but the most lenient view was taken by the Police Magistrate in fining Lawrence Green twenty-five dollars. If he had come before me, two years in the penitentiary would have been given him for an offence of that kind. If any person comes before me for an assault of that kind, that is what they will get, and not a twenty-five dollar fine."

It is true the same Judge gave evidence before me in the

investigation and somewhat modified his view. He said that he thought this assault was not sufficiently punished, but added that he did not intend to comment on Mr. Hastings' conduct.

Mr. Hastings was examined as to this as well as to other cases, but he did not satisfy me that he was justified in the punishment he awarded. This case, among others, tended to create want of respect for Hastings' administration of justice.

7. Re Mr. Hastings' personal attitude to the O.T.A.
It was proved before me by witnesses, notably the Reverend Mr. Green and Mr. J.C. Wayne, of Dunnville, the solicitor, that Hastings was not in entire sympathy with the O.T.A. Mr. Payne said: "I spoke to Mr. Hastings and said that the proper course was for him to go to see Mr. Raney and advised him to do that; that he would have the help of good citizens if he did so, but he would not. He gave me reasons for opposing prohibition. He said if men were prohibited, it would cause men to resist, and men break laws because the laws exist. He had seen instances in American cities and formed his impressions by what he saw there. He had been in a "dry" town and therefore numerous excursions to more "congenial places" were made. If men got liquor freely and easily they would be less inclined to break the law. I said that if he felt he was not in sympathy with the O.T.A. he might tell it to Mr. Raney. He answered that he did not care about the position but all he wanted was to clear his name. I said he had better retire honourably. Hastings said to me that he was an anti-prohibitionist."

As to Mr. Hastings continuing to be Magistrate, Mr. Payne thought that local men should not administer the law as to O.T.A., especially in Dunnville, and on cross-examination he said that the administration of the O.T.A. in Dunnville had ceased to command public respect and that Hastings had not enforced the Act as it ought to *have been* —

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On this point the Reverend Mr. Green gave some testimony and stated that Hastings had said he was not in favour with some of the clauses of the O. T. A. - the penalties were too severe. This was in open Court on November 9th in the afternoon when Barnes and Kulp cases were up.

On this point Mr. Hastings stated in evidence: "I voted against the repeal of the O.T.A. It is difficult to make prohibition effective. I would prefer liquor to be under reasonable restrictions. I have no particular fads as to this. I believe in no standard hotels selling over the bar, not even soft drinks. Hotel-keepers should be permitted to sell to guests liquor at meals in his dining-room. I am a total abstainer." He added: "I have objections against the O.T.A., but I will enforce every provision in the Act. I always did my duty, although unpleasant."

Now, I think Mr. Hastings has a perfect right to his own opinion as to the O.T.A., but as a public officer appointed by the Crown to discharge important public duties I do not think that he should openly in Court or otherwise criticize the terms of the Act that he was sworn to administer without fear, favour or affection. The general public, especially the anti-temperance public, would soon seize on such statements and derive comfort and encouragement from them when made by the Police Magistrate and that, in itself, would tend to weaken the public respect in the administration of the law by Hastings.

8. Re Supplying of Liquor at Dunnville.

It was proved by the records produced before me that there were received at Dunnville by Canadian Express Company between the 2nd of January 1920 and the 18th of February 1921, 1019 shipments weighing in all 156,579 pounds, and there were also received by G. R. R. Freight, American Express Company and Toronto, Hamilton and Buffalo Railway at various dates in 1920, 148 shipments, weight unknown. These shipments were divided as follows:

From 2nd of January, 1920 to 23rd November,
1920 (date of Magistrate's suspension),

831 shipments weighing 142701 pounds

From 23rd November 1920 to 18th February,
1921 (date of last record proved before

me) 188 shipments weighing. 13878 pounds

I have investigated these figures and find that before the suspension the average number of pounds received daily at Dunnville per Canadian Express Company was 431 and after the suspension the number of pounds received daily at Dunnville per Canadian Express Company was 159 pounds, being about one-third compared with those of the other period. I also find that the record of shipments after the suspension mainly show one bottle or one case each. This indicates to me that when moved by the Dunnville complaints, the Honorable, The Attorney General grasped the situation vigorously by suspending Mr. Hastings. The quantity of liquor received at Dunnville by Canadian Express Company fell off very greatly. I cannot regard this as a mere accident and although I apply the maxim "post hoc ergo propter hoc" cautiously, I am convinced that the administration of justice at Dunnville was not such a terror to evil doers as it ought to have been.

As to the 148 shipments mentioned above, as the weights are not given, I can make no useful inferences.

~~has been many shipments to and from outside of Dunnville.~~ This indicated that Dunnville enjoyed a continuous and extremely "wet" season, which showed itself in the contents of the Dunnville cellars, and I find that one of the most influential men in Dunnville, who was on the deputation, took in 233 cases of liquor between the 28th of January, 1920, and the 5th of March, 1920, and a Post Office clerk stored away between January 22nd and April 29th, 12 barrels of whiskey. All of this indicates a certain definite current opinion in favour of liquor importation at Dunnville, which, although quite within the law up to that date, gives a valuable side-light upon the general liquor atmosphere of the town.

There is another aspect of this question which is of great importance. I have analyzed a considerable portion of the evidence adduced before me, and I find that administration of justice in the Police Court of Dunnville ceased to command public respect, and for this condition of things the Magistrate, Mr. Hastings, is to a certain extent responsible. I find also even if on a close analysis of all the circumstances and giving Mr. Hastings the full benefit of his explanation, and even if technically the balance of the evidence is in favour of the full and proper administration of justice at Dunnville, yet that in my opinion would not certainly settle this controversy. Sitting as I did, and hearing evidence of all these witnesses during ten days and reading all the exhibits produced, I find that a large and influential part of the best men in Dunnville are convinced that although Mr. Hastings is personally honest and irreproachable, yet it is believed that for good and sufficient reasons the administration of justice in the Police Court of Dunnville has ceased to command public respect, and for this condition of things the Magistrate is to a certain extent responsible.

Such being the case, I have concluded that the usefulness of Mr. Hastings as a Magistrate is largely gone and his

further continuance in office would not be in the best interests of the administration of justice at Dunnville. The administration of law is very sensitive and delicate, especially the law as to temperance, which is a matter of earnest public discussion and is, so to speak, in the lime-light of public observation, and if there be any reasonable ground in the minds of an influential part of the Dunnville people that the Magistrate is inefficient, then there should be a change of Magistrate. If these matters that have been investigated were mere idle gossip and the result of foolish chatter, then no such result as I have stated should for one moment be entertained. But it is not so. To use a common illustration "Caesar's wife must be beyond suspicion," and so also Justitia must be beyond suspicion. I mean the suspicion of inefficiency. Her eyes must not be uncovered, nor her sword blunted, nor her throne weakened. If, therefore, we find that there is dissatisfaction, even if it be not always technically logical or fundamentally based, then the change of Magistracy would be for the best. It is safer and better that the cause of Justice and the reputation of our Courts, of whatever class they may be, should be preserved in their integrity and purity rather than the position of any one man should be maintained, even when I deliberately find and adjudge that this one man, David Hastings, is personally an upright and honourable citizen.

9. Re W.E. Martin. This is a case under the O.T.A. and Mr. Hastings fined him \$100.00, although the minimum fine was \$200.00. The Magistrate admitted his error through carelessness and I am not disposed to regard such an error seriously.

It is not necessary to examine carefully every case that came before Hastings and which were the subject of enquiry before me. There were cases as to the O.T.A., as to theft, motor cases, houses of ill-fame, etc., in all about

fifty cases in which evidence as to the disposition of the same by Mr. Hastings was given.

Dealing with the different matters set forth in the Commission specifically, I find:

As to No. 1. I find that No. 1 was to a certain extent proved, the particulars whereof I have set forth above.

As to No. 2. I find that it has not been proved to the extent therein set forth.

As to No. 3. I find that Mr. Hastings is not in sympathy with all the provisions of the Ontario Temperance Act and that he has publicly taken that position.

As to No. 4. I do not think that Mr. Hastings has been strong enough in his administration. He tempered justice with a too excessive leniency. But I do not find that he intentionally or consciously favored any particular "ring" or group.

As to the various particulars of 1, 2, 3 and 4, under No. 4 I have dealt with these sufficiently as above.

As to Nos. 5, 6 & 7. Evidence was certainly given in support of these charges but I do not regard what has been shown as to these as vitally important except as I have set forth above.

As to No. 8. I do not think that politics affected Mr. Hastings in his administration of justice, although he was Editor and Publisher of a partisan newspaper and I find, as particularly set forth above, that more than half of the job printing of his office was derived from the Monarch Knitting Co. of which Mr. F. R. Lalor, M.P. was the practical owner.

Under the power given to me under and by virtue of my said Commission I would recommend, having regard to what has been proved before me by good and sufficient verbal and documentary evidence, and having regard to the impressions produced upon the minds of a considerable number of the leading citizens of Dunnville by the administration

of justice in the Police Court under Mr. Hastings, to which I have particularly referred above, and notwithstanding the admitted fact that Mr. Hastings is personally honest and upright - -

That Mr. Hastings be asked to tender to The Honorable The Attorney General, his resignation as Magistrate, and that the same be accepted and I report the same accordingly.

I have been asked by Mr. Hastings, through his solicitor, to recommend that the witnesses summoned by him should be paid their ordinary and proper witness fees. To this request I must decline to accede. I have made inquiry and I am unable to find that fees have been paid to witnesses who attended on the application of persons who were being investigated under Government Commissions. I have also been asked to recommend the payment by the Government of fees to counsel appearing for Mr. Hastings. To this request I must also decline to accede.

All of which I respectfully submit.

DATED this 29th day of April, 1921.

John A. Gatsessy
Commissioner —

RE HASTINGS INVESTIGATION

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REPORT OF THE COMMISSIONER

Mr. John A. Paterson,
K. C.

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